REMARKS

35 U.S.C. § 103(a) Rejections

Claims 26-27, 29-30, 117-118, 120-121, 124-135 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Marshall et al. (US 2005/0208995) in view of Thomas et al. (US 2002/0049975 A1). Claims 1-6, 9-25, 28, 92-97, 100-117, and 122-123 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Marshall et al. (US 2005/0208995) in view of Thomas et al. (US 2002/0049975 A1) as applied to claims 26 and 117, and further in view of Brenner et al. (U.S. 6,089.981) and Boylan, III et al. (U.S. 6,712,701). Of the claims pending, claims 26, 117, and 126 are the independent claims. Reconsideration of this rejection is requested in view of the following arguments.

Independent claim 26 is directed to a method of providing wagering data for a race contest to a user through a computer network. The user is prompted to select a date in response to which a "track board" for that date is transmitted and displayed to the user. Claim 26 requires that the track board provided to the user terminal displays together a listing of a plurality of tracks along with a listing of a plurality of races at each of the displayed tracks. Claim 26 also requires that the races are distinguished from each other to the user in the single graphical interface of the track board by the recited statuses, i.e., completed, open for wagering, and not yet open for wagering. Claim 26 further requires that the user is prompted in the single graphical interface to select a race from a track in said listing from said track board.

Accordingly, claim 26 requires the following to be displayed together in the same, single graphical interface: (i) a listing of a plurality of tracks along with the plurality of races at each of the tracks, where these races are distinguished to the user based on the recited statuses, and (ii) the recited prompt. An example of a track board is shown in FIG. 7 of the present application,

which lists thirteen tracks and several races for each track. As explained in the application (e.g., pages 12-14), because the track board is preferably used as an aid to a wagerer and because the track board lists together multiple tracks along with multiple races at each track in the same graphical interface, the races are distinguishes from each other in the interface based on their respective status. This feature allows the user, who is presented with a lot of information in a single graphical interface (i.e., a plurality of tracks with a plurality of races at each track), to quickly and easily distinguish the races from one another and to identify races of interest, e.g., those that are "open for wagering", etc. As a further aid to the wagerer, the user of the track board is prompted to select one of the races from a track in the track board. Based on the selection, three distinct categories of data can be provided. When the status of the race is "completed," results data are displayed for the selected race. When the status of the selected race is "open for wagering," race program data for the race are displayed. Finally, when the status of the selected race is "not yet open for wagering," race entry data are displayed to the user.

Similarly, independent claim 117 and 126 each require in a single graphical interface a listing of a plurality of tracks along with a listing of a plurality of races at each of the displayed tracks for a date selected by the user.

As discussed below, the combinations of prior art set forth in the Office Action of August 8, 2007 do not teach the claimed methods of providing wagering data.

In rejecting all pending claims, the Examiner first relies on the description of Marshall, specifically FIGS. 93-99 and the user terminal FIGS. 1-3. FIGS. 93-99, for example, are described in Marshall from Paragraphs 127-131. FIG. 91 shows a flow chart for the options presented to the user in the selection screen of FIG. 92, namely "schedule," "results," "news"

and "weather." If the "schedule" option is selected from the selection screen of FIG. 92, the schedule screen of FIG. 93 is displayed. As described in Paragraph 127, the user selects a day for which racing schedule information is desired. Once a day is selected, "window 9206 displays the racing schedule information for the selected day." More specifically though, window 9206 only displays the first race time for each available track. (See. FIG. 93). Therefore, the graphical interface of FIG. 93 is not a track board "displaying together in a single interface a listing of a plurality of tracks along with a listing of a plurality of races at each of said displayed tracks for a date selected by said user."

If the user selects the "results" option from FIG. 92, the user proceeds through FIG. 94 (to select a track), FIG. 95 (to select a race at the selected track) and FIG. 96 (to display the results of the selected race from the selected track). None of these interfaces, or the interfaces of FIG. 97 or 99, displays a track board "displaying together in a single interface a listing of a plurality of tracks along with a listing of a plurality of races at each of said displayed tracks for a date selected by said user."

As described above, the "schedule" and "results" options of Marshall are part of different process flows (See FIG. 91). The only information that is displayed or changed after a user selects a date is in window 9206 of the screen of FIG. 93. Window 9206, however, is not a track board as claimed. The purpose of window 9206 is to show the start times of only the first races of each track. It does not display a plurality of races for each track (as there can only be one first race for each track). Further, it follows that because window 9206 only shows the start time of the first race per track, there is no need to distinguish races as (i) completed, (ii) open for wagering and (iii) not yet open for wagering as claimed in Claim 26, Further, user's cannot select individual races from the screen of FIG. 93 (which displays window 9206) in order to

display (i) results data, (ii) race entry data and (iii) program data, as appropriate. For example, results are obtained from a separate process flow including FIGS. 94-96 as described below.

Turning to the "results" process flow of Marshall, screen 9400 of FIG. 94 displays race tracks, but only the post time for the first race at each track. Again, there is no need to distinguish races from each other in such an interface and the user cannot select a race to obtain information directly from this interface 9400. The results display interface of FIG. 95 displays a plurality of races but only one track. Further, paragraph 128 makes clear that "[b]ecause the user is seeking to display results, preferably only races that have been completed may be selected."

From the foregoing, Marshall does not teach or suggest the claimed track board transmitting step as, for example, set forth in Claim 26 for display to the user in response to a selection of a date by the user. It follows that Marshall does not teach the step of prompting the user in the single graphical interface (i.e., the interface that lists the plurality of tracks along with a plurality of races at each track distinguished by their status) to select a race from a track in the listing, nor the display of the following information upon receipt of a selection of a track in response to the prompt: (a) results data for a race selected by said user to said user with said user terminal when the status of said selected race is completed; (b) race program data for a race selected by said user to said user with said user terminal when the status of said selected race is open for wagering; and (c) race entry data for a race selected by said user to said user with said user terminal when the status of said selected race is not yet open for wagering.

Accordingly, as admitted in the Office Action of August 8, 2007 at page 4, Marshall simply does not indicate a limitation found in all pending claims – a track board that concurrently displays together in a single graphical interface a listing of a plurality of tracks

along with a listing of a plurality of races at each of the displayed tracks for a date selected by the user. None of the other references cited by the Office Action of August 8, 2007 cure these deficiencies of Marshall.

In an attempt to overcome this deficiency, the Office Action of August 8, 2007 asserts that

> ***Although Marshall does not teach this single graphical interface, Marshall teaches that the current windows/tab could be customized to include more/less information at a single window based on the user's choice/desire (Par 184 Fig 150). Therefore, the examiner holds this feature as a matter of design choice to customize the window 9200 to include more information about the races listed such as the track for each race and the status. Such customization is strictly based on the user's choice, different user's will have different desires on the types of information they want displayed at a particular screen. For example, see Thomas et al. fig 10.***

However, Marshall only indicates selection of a single track and then a single race with customization options for horses and expanded prompts. See Paragraphs 178-184. As such, Marshall not only does not indicate a track board that concurrently displays together in a single graphical interface a listing of a plurality of tracks along with a listing of a plurality of races at each of the displayed tracks for a date selected by the user, Marshall teaches exactly opposite - a single track with only a single race displayed. More specifically, Marshall expressly teaches against the proposition for which it is cited in the Office Action - i.e. that it would be a "design choice" to include "more information about the races listed" because Marshall teaches display of a single track and single race. Fig. 10 of Marshall does not cure this deficiency. As stated in Paragraphs 77 and 78 of Marshall, the user must select a single track and then races for that track

will be shown. Thus, Fig. 10 does not indicate a track board that concurrently displays together in a single graphical interface a listing of a plurality of tracks along with a listing of a plurality of races at each of the displayed tracks for a date selected by the user.

None of the other references cited by the Office Action overcomes this deficiency of Marshall. As Marshall is primary reference used in rejecting all pending claims, Applicants respectfully submit that the rejections of all pending claims should be withdrawn and the claims allowed to issue because the Office Action does not set forth a prima facie case of unpatentability of any of the pending claims.

Applicant would further note that with regard to dependent claims 27 and 118, the Office Action admits that Marshall does not teach "automatically updating the statuses of said races on said track board in said single graphical interface at predetermined time intervals." However, the Office Action states that this step "is will known in the art" and that Applicants should consider U.S. Patent No. 6,554,709. Applicants respectfully submit that this rejection also fails to set forth a prima facie case of unpatentability because the claims must be considered for their subject matter as a whole. See 35 U.S.C. § 103(a). In rejecting these claims, the Office Action has not set forth any basis for the obviousness of all limitations of claims 27 and 118 (which include the limitations of the claims from which they depend). Instead, the Office Action simply states that a only a specific portion of the claims (updating face data at predetermined intervals) is known in the art. Accordingly, Applicants respectfully submit that the rejections of claims 27 and 118 should be withdrawn for these additional reasons as well.

Thus, for at least the reasons set forth above, Applicant respectfully submit that independent claims 26, 117, and 126 patentably define over the above-cited references, taken

singularly or in any proper combination. Applicants respectfully submit that at least for the reasons indicated above relating to independent claims, the dependent claims also patentably define over the cited references. The patentability of the dependent claims, however, certainly does not hinge on the patentability of independent claims 26, 117, and 126. In particular, some or all of dependent claims are believed to possess features that are independently patentable, regardless of the patentability of claims 26, 117, and 126.

Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

The Examiner is invited to telephone the undersigned at his convenience should only minor issues remain after consideration of this response in order to permit early resolution of the same or if he has any questions regarding this matter.

It is believed no fees are required for filing this amendment, however, if there are fees due for this filing, please charge any additional fees required by this amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING,
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